

September 29, 2016

The Hon. Lorna G. Schofield  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *In re Foreign Exchange Benchmarks Antitrust Litig.*, 13-cv-7789-LGS (S.D.N.Y.)

Dear Judge Schofield:

We write on behalf of Plaintiffs and Defendants The Bank of Tokyo Mitsubishi UFJ Ltd.; Credit Suisse Securities (USA) LLC, Credit Suisse Group AG and Credit Suisse AG; Deutsche Bank AG, Deutsche Bank Securities Inc.; Morgan Stanley, Morgan Stanley & Co., LLC and Morgan Stanley & Co. International plc; RBC Capital Markets, LLC; Société Générale; and Standard Chartered Bank (collectively, “Non-Settling Defendants”) to provide an update to the Court on discussions with respect to production of names and addresses of putative settlement class members.

In conjunction with Plaintiffs’ Motion for Approval of the Form and Manner of Notice of Settlements and Preliminary Approving the Plan of Distribution (ECF No. 653), Plaintiffs informed the Court that they were negotiating the production of names and addresses of putative settlement class members with Non-Settling Defendants. At such time, Plaintiffs indicated that if they were unable to reach agreement with Non-Settling Defendants as to the production of such information, they would seek to compel production of this information. (ECF No. 654 at 7).

After further discussion, Non-Settling Defendants have agreed that subject to accessibility, undue burden and any other limitation, legal or otherwise, they will identify, collect and produce contact information for counterparties with United States addresses to the Claims Administrator. The Non-Settling Defendants have further indicated that they do not object in principle to the identification, collection and production of contact information for clients with foreign addresses – subject to any foreign rules or regulations that would prohibit such disclosure – but need additional time to determine whether, and the extent to which, and when it will be able to identify and collect such information and what steps need to be taken prior to producing that information to Plaintiffs. The Non-Settling Defendants have agreed to engage in these efforts in good faith and keep Plaintiffs apprised of progress and limitations encountered in the process.

Plaintiffs believe this agreement obviates the need for a motion to compel at this time, but reserve their rights to seek a pre-motion conference at a later date if issues arise with respect to this production that would imperil the notice date proposed to the Court or otherwise require judicial intervention.

The parties will be prepared to advise the Court as to the status of their discussions at the October 5 conference.

Respectfully,

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